

PATENT
Attorney Docket No. PC25047A US

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via facsimile to Examiner Chukwuma O. Nwaonicha, Group Art Unit 1621 at facsimile number (703) 872-9306 on this 18th day of February 2005.

By

Kelley D. Surprenant
(Signature of person mailing)
Kelley D. Surprenant

(Typed or printed name of person)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In the application of:

Matthew F. Brown *et al.*

Serial No.: 10/687,380

Group Art Unit: 1621

Filed: October 16, 2003

Examiner: Chukwuma O. Nwaonicha

Title: HETEROARYL-HEXANOIC ACID
AMIDE DERIVATIVES AS
IMMUNOMODULATORY
AGENTS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

VIA FACSIMILE: (703) 872-9306 (3 Pages)

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION**

Sir:

Petitioner, Pfizer, Inc., hereby states that it is the assignee of the entire right, title and interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, of prior United States Patent No. 6,403,587, as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and

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during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned (whose title is supplied below) is empowered to act on behalf of Petitioner. The present non-provisional application is assigned by virtue of an assignment of parent provisional application 60/422,574 from the named inventors to Pfizer, Inc., which was recorded with the USPTO on November 25, 2002, a copy of which can be found at reel 013529 frame 0889.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that

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Terminal Disclaimer

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such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is hereby authorized by this paper to charge the required fee under 37 C.F.R. §§ 1.321(b)(4) and 1.20(d) to Deposit Account 16-445. The Commissioner is hereby authorized by this paper to charge any additional fees that may be required or credit any overpayment to Deposit Account 16-445.

Respectfully submitted,

Date: February 18, 2005


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